REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for his courtesy in a telephone conference with Applicants' representative, Van C. Ernest, on December 5, 2006. During the conference, Mr. Ernest pointed out that the above referenced Official Action did not address claims 4, 12 and 15 in the Detailed Action and the claim 15 was not addressed in the Office Action Summary. In response, the Examiner stated that claim 15 stood rejected on the same grounds as independent claim 14, from which it depends. The Examiner further stated that, contrary to the Office Action Summary, claims 4 and 12 are allowable, if rewritten in independent form to include the limitations of the respective base claims and any intervening claims. However, Applicants note that they have not amended these claims because all claims are in condition for allowance, at least for the reasons discussed below.

Upon entry of the present amendment, claims 1, 2, 5, 8, 13 and 14 will have been amended to correct informalities in the claim language and to more clearly define the invention, as discussed below, while not narrowing the scope of these claims. Applicants respectfully submit that all pending claims are in condition for allowance.

In the above referenced Official Action, the Examiner rejected claims 1-3 and 5-10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 6, 7, 14, 15 or 20 of U.S. Patent No. 6,343,065.

Applicants are filing an executed Terminal Disclaimer to disclaim the terminal part of any patent granted on the present application that would extend beyond the expiration date of U.S. Patent 6,343,065, subject to exceptions provided in the Terminal Disclaimer.

However, by such filing, Applicants make no admission as to the propriety of the rejections of claims 1-3 and 5-10 under the judicially created doctrine of obviousness-type double patenting. Rather, Applicants are filing the attached Terminal Disclaimer merely to obtain early allowance of the claims of the present application. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 1–3 and 5-10 under the judicially created doctrine of obviousness-type double patenting.

Also, in the above reference Office Action, the Examiner rejected claims 13-15 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserted that the claimed subject matter "source code segment" in lines 4 and 6 of claims 13 and 14 is new matter.

Applicants respectfully disagree with the Examiner that "source code segment" and/or "code segment" (as claims 13 and 14 have been amended to recite) are not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed. Applicants submit that the claimed functionality, as well as ATM call control and signal processing generally, are performed by network elements running processors executing computer code.

For example, claim 14 recites a determining code segment for adaptively determining a cache duration based upon a predefined delay budget and a monitored processing load. The specification describes an embodiment of the invention in which such determining is performed by a trunk-internetworking function device (T-IWF), for example. *See, e.g.*, page 9, lines 14-17. A T-IWF, in part, converts voice trunks from end office switches to ATM cells (see page 2, lines 11-13), which functionality inherently

would be performed by a processor executing code. In other words, the code is "necessarily present," as would be recognized by a person of ordinary skill in the art. *See* M.P.E.P. 2163.07(a).

Further, and independently of the above, the specification expressly incorporates by reference the contents of U.S. Patent Application No. 09/287,092 (now issued U.S. Patent No. 6,169,735). *See* page 2, lines 7-10. U.S. Patent No. 6,169,735 consistently describes the T-IWF device as "multiple devices or any combination of hardware and software," which converts end office voice trunks from TDM channels to ATM cells. *See* Col. 7, line 65 – col. 8, line 1.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 13-15 under 35 U.S.C. § 112, first paragraph.

Also, in the above referenced Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner stated that the meaning of the term "the preestablishment facilities" in line 7 of claim 1 is not clear. However, Applicants respectfully point out that claim 1 actually recites "the preestablishment facilitates," and **not** "the preestablishment facilities." The term "facilitates" means, e.g., makes easier or assists, which is clear within the context of the claim. Based on use of the correct term, Applicants submit that claim 1 is not indefinite, and respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

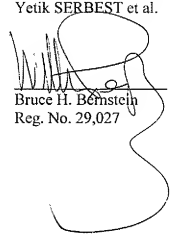
Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claim 1 under 35 U.S.C. § 112, second paragraph.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of previously asserted rejections set forth in the Official Action of September 6, 1006, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Any amendments to the claims in this Reply, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully Submitted,
Yetik SERBEST et al.



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